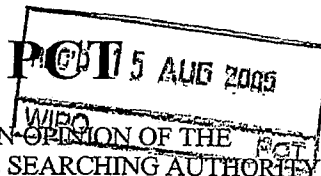


# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:  
SHAWN F. FOSTER  
GARDE RE WYNNE SEWELL LLP  
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HOUSTON, TX 77002



WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing  
(day/month/year) **11 AUG 2005**

Applicant's or agent's file reference

128527-2000

**FOR FURTHER ACTION**

See paragraph 2 below

International application No.

PCT/US05/09040

International filing date (day/month/year)

17 March 2005 (17.03.2005)

Priority date (day/month/year)

17 March 2004 (17.03.2004)

International Patent Classification (IPC) or both national classification and IPC

IPC(7): G09F 07/02 and US Cl.: 40/611.06, 611.11

Applicant

THE GIMPER GROUP, INC.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

## 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US

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WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US05/09040

**Box No. I Basis of this opinion**

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
☐ This opinion has been established on the basis of a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material  
☐ a sequence listing  
☐ table(s) related to the sequence listing
  - b. format of material  
☐ in written format  
☐ in computer readable form
  - c. time of filing/furnishing  
☐ contained in international application as filed.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. V Reasoned statement under Rule 43 *bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

|                               |                              |     |
|-------------------------------|------------------------------|-----|
| Novelty (N)                   | Claims <u>8-12 and 19-24</u> | YES |
|                               | Claims <u>1-7 and 13-18</u>  | NO  |
| Inventive step (IS)           | Claims <u>23</u>             | YES |
|                               | Claims <u>1-22 and 24</u>    | NO  |
| Industrial applicability (IA) | Claims <u>1-24</u>           | YES |
|                               | Claims <u>NONE</u>           | NO  |

2. Citations and explanations:

Please See Continuation Sheet

Claim 23 meets the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest a locking arm integral with and extending from the front smooth edge, obstructing means on the back frame member, and locking means for maintaining the engagement between the displaced locking arm and the obstructing means.

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**Supplemental Box**

In case the space in any of the preceding boxes is not sufficient.

**V. 2. Citations and Explanations:**

Claims 1-7 and 13-18 lack novelty under PCT Article 33(2) as being anticipated by Bowder (U.S. Patent No. 2,550,763).

Bowder shows in figures 1-5 a placard holder (15) and a substantially planar member (bottom wall 20 or sliding member 16) having an out of plane bend (28). Bowder shows that the planar member engages a surface of the holder and the placard (30). In regard to claim 7, the planar member includes an inner member (flange 26) and a stiffening structure (the enlarged flange at the end of flange 26, see figure 5). In regard to claim 14, Bowder shows in figures 2, 4, and 5 that the planar member includes an opening (the planar member has an opening in the central portion).

Claims 1-7 and 13-18 lack novelty under PCT Article 33(2) as being anticipated by Goodfellow (U.S. Patent No. 6,105,294).

Goodfellow shows in figures 1-8 a placard holder (12) and a substantially planar member (14) having an out of plane bend (28). Goodfellow shows that the planar member engages a surface of the holder and would engage a placard when placed within the holder. In regard to claim 7, the planar member includes an inner member (most of flange 44) and a stiffening structure (the bottom horizontal portion of 44). In regard to claim 14, Goodfellow shows in figure 1 that the planar member includes an opening (32).

Claims 8-12, 19-22, and 24 lack an inventive step under PCT Article 33(3) as being obvious over Bowder (U.S. Patent No. 2,550,763).

In regard to claims 8 and 19, Bowder does not disclose the material used to make the device. The idea of making identification devices from plastic, steel, and aluminum is conventional in the art. It would have been obvious to one in the art to modify Bowder by making the device from plastic, steel, or aluminum since this would make the device more durable, easier to make, and more aesthetically pleasing. In regard to claims 11 and 20, it is not clear how the inner member and the stiffening member are attached to the planar member. The idea of welding members together is conventional in the art. It would have been obvious to one in the art to modify Bowder by welding the inner member and the stiffening member to the planar member since this would allow the members to be attached together in a more secure manner and in an easier and faster manner. In regard to claims 22 and 24, it is not clear how the front frame (17) is attached to the back frame (20). The idea of welding members together is conventional in the art. It would have been obvious to one in the art to modify Bowder by welding the front and back frame member together since this would allow the members to be attached together in a more secure manner and in an easier and faster manner.

Claims 8-12 and 19-21 lack an inventive step under PCT Article 33(3) as being obvious over Goodfellow (U.S. Patent No. 6,105,294).

In regard to claims 8 and 19, Goodfellow does not disclose the material used to make the device. The idea of making identification devices from plastic, steel, and aluminum is conventional in the art. It would have been obvious to one in the art to modify Goodfellow by making the device from plastic, steel, or aluminum since this would make the device more durable, easier to make, and more

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International application No.  
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**Supplemental Box**

In case the space in any of the preceding boxes is not sufficient.

aesthetically pleasing. In regard to claims 11 and 20, Goodfellow does not disclose welding the inner member and the stiffening member to the planar member. The idea of welding members together is conventional in the art. It would have been obvious to one in the art to modify Goodfellow by welding the inner member and the stiffening member to the planar member since this would allow the members to be made in an easier manner.